

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1362

In Re: GEORGIA A. GREEN,

Petitioner.

On Petition for Writ of Mandamus. (CA-03-13363-13G)

Submitted: September 16, 2004 Decided: September 21, 2004

Before LUTTIG, KING, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Georgia A. Green, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Georgia A. Green petitions for writ of mandamus. She asserts that she sent a notice of appeal to the district court, seeking to appeal from a bankruptcy court order. According to Green, the district court forwarded this notice of appeal to the bankruptcy court. Green asserts that this was improper. She requests that this court intervene in her attempt to note an appeal from an order of the bankruptcy court.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

Green has failed to meet her burden of showing that mandamus relief is warranted. See Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); see also Fed. R. Bankr. P. 8002(a). Accordingly, although we grant Green's motion for leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED